THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO.17937 OF 2005

Date: 12-09-2005

Between:

Kadapa Municipal Corporation …Petitioner

And

M.Zubeda Begum and others …Respondents

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ORAL ORDER :(per Smt. T. Meena Kumari,J)

This Writ Petition is filed by the Municipal Corporation of Kadapa, challenging the orders passed by the A.P. Administrative Tribunal, Hyderabad in O.A. No. 4385 of 2004, dated 4.8.2004.

The facts in brief are that the 1st respondent herein was appointed as Secondary Grade Assistant in Municipal Urdu Elementary Girls School, Kadapa. It is stated that she was subsequently promoted as L.F. Head Master on 12.7.2002 and since then she has been discharging her duties as such. While so, the Municipality issued proceedings dated 30.10.2002 reverting the 1st respondent and certain other similarly situated persons on the ground that the applicants had not possessed the required qualification as per A.P. School Education Subordinate Service Rules issued in G.O. Ms. No. 538, Education (Ser-III) Department, dated 20.11.1998. Questioning the reversion orders O.A. No. 10370 of 2002 was filed by two other persons before the Tribunal. The main contention of the applicants before the Tribunal in the said O.A. was that the impugned proceedings of reversion were passed without issuing any notice and that as on the date of the promotion of the applicants G.O. Ms. No.63, dated 17.5.2000 was in force and therefore the applicants are entitled for promotion as per the said G.O. and that they are required to acquire the prescribed qualification within a period of three years. The Tribunal after going through the material placed before it, allowed the O.A. on the ground that in view of the specific provision contained in G.O. Ms. No.538, dated 17.5.2000 the applicants are entitled for promotion even though they had not acquired the

intermediate qualification. Since the applicants therein had retired from service, the Tribunal directed the respondents to grant all the consequential benefits. At that stage, 1st respondent herein filed O.A. No. 4385 of 2004 before the Tribunal seeking a direction to the respondents therein to extend the relief granted in O.A. No. 10370 of 2002, dated 4th December, 2003 to her. The Tribunal disposed of the said O.A. in terms of the orders contained in O.A. Nos. 10370 of 2002 and 1092 of 2003, dated 4.12.2003. Questioning the same, the Municipal Corporation filed the present writ petition.

Sri S.I. Newton, learned Standing counsel for the Municipal Corporation contends that the Tribunal disposed of the O.A., at the admission stage without giving any opportunity to the petitioner-Corporation to rebut the contentions raised by the 1st respondent and therefore, the impugned order passed by the Tribunal is illegal and violative of the principles of natural justice.

On the other hand, learned counsel for the 1st respondent while drawing our attention to the judgment of a Division Bench of this Court in M. KESAVULU & OTHERS vs. STATE OF ANDHRA PRADESH & OTHERS (), submitted that the Division Bench by the said judgment has quashed G.O. Ms. No. 538, dated 20.11.1998.

In view of the fact that G.O. Ms. No. 538, dated 20.11.1998 has been quashed by the Division Bench in the judgment cited supra, G.O. Ms. No. 63, dated 17.5.2000 and G.O. Ms. No. 49, dated 14.5.2002 which were issued subsequently amending the A.P. School Education Subordinate Service Rules contained in G.O. Ms. No. 538, dated 20.11.1998, do not hold good and they cannot be made applicable to the case of the 1st respondent.

We, therefore, do not find any merit in the contentions of the learned counsel for the petitioner-Department. The writ petition fails and shall accordingly dismissed. No costs.

T. MEENA KUMARI, J

Date:12.09.2005

P. LAKSHMANA REDDY, J

Note:Issue C.C today

B/o

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